

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KRISTOPHER AUGUSTINE

(b) County of Residence of First Listed Plaintiff Ontario, Canada
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John M. Borelli, Esquire; Ostroff Law, PC;
518 E. Township Line Road – Suite 100; Blue Bell, PA
19422-610-279-7000

DEFENDANTS

KCI MALVERN OWNERCO, LP

County of Residence of First Listed Defendant Chester County, PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Stephen J. Gontkosky; William J. Ferren & Associates; P.O.
Box 2903; Hartford, CT 06104; 215-274-1725

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Alleged Slip and fall on black ice

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

October 26, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Stephen J. Gontkosky

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 399 Queen Victoria Drive; Unit 17; Hamilton Ontario Canada
Address of Defendant: 580 W. Germantown Pike-Suite 200; Plymouth Meeting, PA
Place of Accident, Incident or Transaction: 311 E. Lancaster Avenue; Malvern, Chester County, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/26/2022 /s/ Stephen J. Gontkosky 315776
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☒ 9. All other Diversity Cases
(Please specify): Plaintiff resides in Canada

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, STEPHEN J. GONTKOSKY, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 10/26/2022 Stephen J. Gontkosky 315776
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

KRISTOPHER AUGUSTINE

v.

KCI MALVERN OWNERCO, LP

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>10/26/2022</u>	<u>Stephen J. Gontkosky</u>	<u>SHK Management, Inc.</u>
Date	Attorney-at-law	Attorney for
<u>215-274-1725</u>	<u>855-833-4262</u>	<u>sgontkos@travelers.com</u>
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KRISTOPHER AUGUSTINE	:	
	:	
v.	:	
	:	
KCI MALVERN OWNERCO, LP f/k/a	:	
PR KC Malvern Ownerco, LP, Individually	:	
and d/b/a Ave Malvern and Ave Living by	:	
Korman;	:	
KCI MALVERN OWNERCO, GP LLC,	:	
Individually and d/b/a Ave Malvern and	:	
Ave Living by Korman;	:	
SHK MANAGEMENT, INC., Individually	:	
and d/b/a Korman Communities, Inc. and	:	
Ave Malvern and Ave Living by Korman;	:	
KORMAN COMMUNITIES GP I, LLC,	:	
Individually and d/b/a Korman	:	
Communities, Inc. and Ave Malvern and	:	
Ave Living by Korman;	:	
JOHN DOE 1-100 and	:	
ABC CORPORATIONS 1-100	:	NO.:

NOTICE OF REMOVAL

**TO: CLERK OF COURT OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Defendants KCI Malvern Ownerco, LP f/k/a PR KC Malvern Ownerco, LP, Individually and d/b/a Ave Malvern and Ave Living by Korman; KCI Malvern Ownerco, GP LLC, Individually and d/b/a Ave Malvern and Ave Living by Korman; SHK Management, Inc., Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman; Korman Communities GP I, LLC, Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman (hereinafter referred to as “Removing Defendants”), by and through their attorneys, William J. Ferren & Associates, hereby file the within Notice of

Removal from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S. § 1441(b), Removal based on diversity of citizenship, and aver as follows:

1. On or about September 29, 2022, Plaintiff Kristopher Augustine filed a Complaint against Defendants, KCI Malvern Ownerco, LP f/k/a PR KC Malvern Ownerco, LP, Individually and d/b/a Ave Malvern and Ave Living by Korman; KCI Malvern Ownerco, GP LLC, Individually and d/b/a Ave Malvern and Ave Living by Korman; SHK Management, Inc., Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman; Korman Communities GP I, LLC, Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman; John Doe 1-100 and ABC Corporations 1-100, in the Court of Common Pleas of Philadelphia County, seeking damages in excess of \$50,000.00. A true and correct copy of Plaintiff's Complaint filed in the Court of Common Pleas of Philadelphia County, September Term, 2022; No.: 02987 is attached hereto and marked as Exhibit "A".

2. Removing Defendants were served with a copy of the Complaint on or about October 10, 2022.

3. In his Complaint, Plaintiff alleges that he is a resident of Hamilton, Ontario, Canada. See Exhibit "A".

4. Plaintiff further alleges in his Complaint that the incident giving rise to this litigation involved an alleged slip and fall on black ice, which resulted in purported "series" injuries, wage loss, and medical expenses. See Exhibit "A".

5. Per Plaintiff's Complaint, the alleged incident occurred at 311 E. Lancaster Avenue in Malvern, Chester County, Pennsylvania. See Exhibit "A" at ¶14.

6. 28 U.S.C. § 1332(a) provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between – (1) [c]itizens of different States.”

7. 28 U.S.C. § 1441(a), pertaining to removal of civil actions, provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

8. 28 U.S.C. § 1446(b)(1) provides that “[t]he notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based . . .”

9. 28 U.S.C. § 1446(b)(2)(A) provides that “[w]hen a civil action is removed solely under section 1441(a) . . ., all defendants who have been properly joined and served must join in or consent to the removal of the action.”

10. KCI Malvern Ownerco, LP; KCI Malvern Ownerco, GP LLC; SHK Management, Inc.; and Korman Communities GP I, LLC are business entities in Plymouth Meeting, Montgomery County, Pennsylvania.

11. For the purposes of diversity and venue, Plaintiff is a citizen of Hamilton, Ontario, Canada, not residing within this Judicial District.

12. There is complete diversity between Plaintiff and listed Defendants.

13. Plaintiff's Complaint establishes, to a reasonable probability, that the amount-in-controversy is in excess of \$75,000.00, and Plaintiff is seeking damages in relation to allegedly "severe" bodily injuries, in addition to lost wages and medical expenses. See Exhibit "A" at ¶21.

14. Upon information and belief, Plaintiff is alleging a fracture, with resulting surgeries, as a result of the fall, in addition to lost wages and medical expenses and is seeking damages in excess of \$75,000.00.

15. This case is appropriate for removal from state court to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a), as complete diversity of citizenship exists between Plaintiff and the Defendants, the amount-in-controversy exceeds \$75,000.00, exclusive of interests and costs.

16. The instant Notice of Removal complies with 28 U.S.C. § 1446(a) and (b), as it is being filed within thirty (30) days of the date of service of the pleading from which it has been ascertained; that the matter is removable by the Removing Defendants, and within one year of the commencement date of the action. See Exhibit "A".

17. Further, no other Defendant has been sued and/or served in connection with this action such that his/her/its consent is required for removal.

18. Promptly after filing in this Court and the assignment of a Civil Action Number, a Notice of Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Notice is given that this action is removed from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

WILLIAM J. FERREN & ASSOCIATES
BY: /s/ Stephen J. Gontkosky _____
STEPHEN J. GONTKOSKY

Attorney I.D. No.: 315776

P.O. Box 2903
Hartford, CT 06104-2903
(215) 274-1725
sgontkos@travelers.com

Attorney for All Defendants
KCI Malvern Ownerco, LP f/k/a
PR KC Malvern Ownerco, LP,
Individually and d/b/a Ave Malvern
and Ave Living by Korman;
KCI Malvern Ownerco, GP LLC,
Individually and d/b/a Ave Malvern
and Ave Living by Korman;
SHK Management, Inc., Individually
and d/b/a Korman Communities, Inc.
and Ave Malvern and Ave Living by Korman;
Korman Communities GP I, LLC, Individually
and d/b/a Korman Communities, Inc. and
Ave Malvern and Ave Living by Korman

DATED: October 26, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KRISTOPHER AUGUSTINE	:	
v.	:	
KCI MALVERN OWNERCO, LP f/k/a	:	
PR KC Malvern Ownerco, LP, Individually	:	
and d/b/a Ave Malvern and Ave Living by	:	
Korman;	:	
KCI MALVERN OWNERCO, GP LLC,	:	
Individually and d/b/a Ave Malvern and	:	
Ave Living by Korman;	:	
SHK MANAGEMENT, INC., Individually	:	
and d/b/a Korman Communities, Inc. and	:	
Ave Malvern and Ave Living by Korman;	:	
KORMAN COMMUNITIES GP I, LLC,	:	
Individually and d/b/a Korman	:	
Communities, Inc. and Ave Malvern and	:	
Ave Living by Korman;	:	
JOHN DOE 1-100 and	:	
ABC CORPORATIONS 1-100	:	NO.:

CERTIFICATION

I, STEPHEN J. GONTKOSKY, hereby certify that the facts set forth in the foregoing Notice of Removal are true and correct to the best of my knowledge, information, and belief.

WILLIAM J. FERREN & ASSOCIATES
BY: /s/ Stephen J. Gontkosky
STEPHEN J. GONTKOSKY
Attorney I.D. No.: 315776
P.O. Box 2903
Hartford, CT 06104-2903
(215) 274-1725
sgontkos@travelers.com
Attorney for All Defendants
KCI Malvern Ownerco, LP f/k/a
PR KC Malvern Ownerco, LP,
Individually and d/b/a Ave Malvern
and Ave Living by Korman;
KCI Malvern Ownerco, GP LLC,
Individually and d/b/a Ave Malvern
and Ave Living by Korman;
SHK Management, Inc., Individually
and d/b/a Korman Communities, Inc.
and Ave Malvern and Ave Living by Korman;
Korman Communities GP I, LLC, Individually
and d/b/a Korman Communities, Inc. and
Ave Malvern and Ave Living by Korman

DATED: October 26, 2022

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

SEPTEMBER 2022

002987

E-Filing Number: 2209058866

PLAINTIFF'S NAME KRISTOPHER AUGUSTINE		DEFENDANT'S NAME KCI MALVERN OWNERCO, LP, ALIAS: AVE LIVING BY KORMAN	
PLAINTIFF'S ADDRESS 399 QUEEN VICTORIA DRIVE UNIT 17 HAMILTON ON L8W1P		DEFENDANT'S ADDRESS 580 W. GERMANTOWN PIKE SUITE 200 PLYMOUTH MEETING PA 19462	
PLAINTIFF'S NAME		DEFENDANT'S NAME KCI MALVERN OWNERCO GP, LLC, ALIAS: AVE LIVING BY KORMAN	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 580 W. GERMANTOWN PIKE SUITE 200 PLYMOUTH MEETING PA 19462	
PLAINTIFF'S NAME		DEFENDANT'S NAME SHKMANAGEMENT, INC., ALIAS: AVE LIVING BY KORMAN	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 580 W. GERMANTOWN PIKE PLYMOUTH MEETING PA 19462	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<div style="text-align: center;"> FILED PRO PROTHY SEP 29 2022 I. LOWELL </div>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>KRISTOPHER AUGUSTINE</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOHN M. BORELLI		ADDRESS OSTROFF INJURY LAW 518 E. TOWNSHIP LINE ROAD SUITE 100 BLUE BELL PA 19422	
PHONE NUMBER (610) 279-7000	FAX NUMBER (215) 977-4101		
SUPREME COURT IDENTIFICATION NO. 94825		E-MAIL ADDRESS jborelli@ostrofflaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JOHN BORELLI		DATE SUBMITTED Thursday, September 29, 2022, 03:54 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

COMPLETE LIST OF DEFENDANTS:

1. KCI MALVERN OWNERCO, LP
 ALIAS: AVE LIVING BY KORMAN
 580 W. GERMANTOWN PIKE SUITE 200
 PLYMOUTH MEETING PA 19462
2. KCI MALVERN OWNERCO GP, LLC
 ALIAS: AVE LIVING BY KORMAN
 580 W. GERMANTOWN PIKE SUITE 200
 PLYMOUTH MEETING PA 19462
3. SHKMANAGEMENT, INC.
 ALIAS: AVE LIVING BY KORMAN
 580 W. GERMANTOWN PIKE
 PLYMOUTH MEETING PA 19462
4. KORMAN COMMUNITIES GP I, LLC
 ALIAS: AVE LIVING BY KORMAN
 580 W. GERMANTOWN PIKE
 PLYMOUTH MEETING PA 19462

REC'D NO. 33 MON. O. PA
2022 OCT -6 A G. 08

(Fictitious Names) :
 and :
 :
 ABC CORPORATIONS 1-100 :
 (Fictitious Entities), :
 Defendants. :

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
 Lawyer Referral
 and Information Service
 One Reading Center
 Philadelphia, Pennsylvania 19107
 (215) 238-6333 TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
 De Filadelfia
 Servicio De Referencia E
 Informacion Legal One Reading Center
 Filadelfia, Pennsylvania 19107
 (215) 238-6333
 TTY (215) 451-6197

OSTROFF LAW, PC
 By: John M. Borelli, Esquire
 Attorney ID No.: 94825
 518 E. Township Line Road, Suite 100
 Blue Bell, PA 19422
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Attorney for Plaintiff

KRISTOPHER AUGUSTINE and
 399 Queen Victoria Drive, Unit 17
 Hamilton, Ontario, L8W1P8
 Canada,

Plaintiff

vs.

KCI MALVERN OWNERCO, LP, f/k/a
 PR KC MALVERN OWNERCO, LP,
 individually and d/b/a AVE MALVERN
 and AVE LIVING BY KORMAN
 580 W. Germantown Pike, Suite 200
 Plymouth Meeting, PA 19462

and

KCI MALVERN OWNERCO GP, LLC,
 individually and d/b/a AVE MALVERN
 and AVE LIVING BY KORMAN
 580 W. Germantown Pike, Suite 200
 Plymouth Meeting, PA 19462

and

SHK MANAGEMENT, INC.,
 individually and d/b/a
 KORMAN COMMUNITIES, INC. and
 AVE MALVERN and AVE LIVING BY KORMAN:
 580 W. Germantown Pike, Suite 200
 Plymouth Meeting, PA 19462

and

KORMAN COMMUNITIES GP I, LLC,
 individually and d/b/a
 KORMAN COMMUNITIES, INC. and
 AVE MALVERN and AVE LIVING BY KORMAN:
 580 W. Germantown Pike, Suite 200
 Plymouth Meeting, PA 19462

and

COURT OF COMMON PLEAS OF
 PHILADELPHIA COUNTY,
 PENNSYLVANIA

CIVIL ACTION - LAW
 No.

REC'D - CIVIL ACTION
 2022 OCT -6 A 10 08

JOHN DOE 1-100 :
(Fictitious Names) :
and :
ABC CORPORATIONS 1-100 :
(Fictitious Entities), :
Defendants. :

Civil Action Complaint

1. Plaintiff, Kristopher Augustine, (hereinafter referred to as “Plaintiff”) is an adult individual who resides at the above referenced address.

2. Defendant, KCI Malvern Ownerco, LP, f/k/a PR KC Malvern Ownerco, LP, individually and d/b/a AVE Malvern and AVE Living by Korman (hereinafter referred to as “Defendant Property Owner”) is a Delaware limited partnership with a principal place of business and registered address located at the above referenced address located in Montgomery County, Pennsylvania.

3. At all times relevant hereto, Defendant Property Owner conducted and continues to conduct a regular and substantial course of business in Philadelphia County, Pennsylvania.

4. Defendant, KCI Malvern Ownerco GP, LLC, individually and d/b/a AVE Malvern and AVE Living by Korman (hereinafter referred to as “Defendant Property Owner GP,” and collectively with Defendant Property Owner as “Property Owner Defendants”) is a Delaware limited liability company with a principal place of business and registered address located at the above referenced address located in Montgomery County, Pennsylvania.

5. At all times relevant hereto, Defendant Property Owner GP was and continues to be the general partner of Defendant Property Owner.

6. At all times relevant hereto, Defendant Property Owner GP conducted and continues to conduct a regular and substantial course of business in Philadelphia County, Pennsylvania.

7. Defendant, SHK Management, Inc., individually and d/b/a Korman Communities, Inc. and AVE Malvern and AVE Living by Korman (hereinafter referred to as “Defendant Property Manager 1”) is a Pennsylvania corporation with a principal place of business located at the above referenced address located in Montgomery County, Pennsylvania.

8. At all times relevant hereto, Defendant Property Manager 1 conducted and continues to conduct a regular and substantial course of business in Philadelphia County, Pennsylvania.

9. Defendant, Korman Communities GP I, LLC, individually and d/b/a Korman Communities, Inc. and AVE Malvern and AVE Living by Korman (hereinafter referred to as “Defendant Property Manager 2,” and collectively with Defendant Property Manager 1, as “Property Manager Defendants”) is a Delaware limited liability company with a principal place of business located at the above referenced address located in Montgomery County, Pennsylvania.

10. At all times relevant hereto, Defendant Property Manager 2 conducted and continues to conduct a regular and substantial course of business in Philadelphia County, Pennsylvania.

11. Defendants, John Doe 1-100 (Fictitious Names) (hereinafter referred to as “Doe Defendants”) are unknown individual defendants, who at all times relevant hereto, regularly conducted business in Philadelphia County, Pennsylvania.

12. Defendants, ABC Corporations 1-100 (Fictitious Entities) (hereinafter referred to as “ABC Defendants,” and collectively with Doe Defendants, as “Contractor Defendants,” and

collectively with Doe Defendants, Property Owner Defendants and Property Manager Defendants, as “Defendants”) are unknown business defendants, designated as corporations, partnerships, fictitious names, and/or business entities duly organized, existing, authorized, and/or incorporated under the laws of the Commonwealth of Pennsylvania.

13. At all times relevant to this action, ABC Defendants conducted and continue to conduct a regular and substantial course of business in Philadelphia County, Pennsylvania.

14. At all times relevant hereto, including on February 4, 2021, Property Owner Defendants was the property owners of record of a residential apartment complex known as AVE Malvern, located at 311 E. Lancaster Avenue, Malvern, Chester County, Pennsylvania.

15. At all times relevant hereto, including on February 4, 2021, Property Manager Defendants were the property managers of the aforesaid residential apartment complex.

16. At all times relevant hereto, Property Owner Defendants and/or Property Manager Defendants, individually, jointly, and/or severally, directly and/or by and through their respective agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors, acting within the course and scope of said relationship, owned, possessed, managed, constructed, maintained, designed and/or controlled the aforesaid residential apartment complex, including said apartment complex’s sidewalks, walkways, pathways, roadways, parking lots, driveways, communal entrance ways/walkways, exits and/or grounds (hereinafter referred to as the “Premises”).

17. Upon information and belief, at all times relevant hereto, Property Owner Defendants and/or Property Manager Defendants, individually, jointly, and/or severally, directly and/or by and through their respective agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors, acting within the course and scope of said

relationship, hired and/or contracted with Contractor Defendants to manage and/or maintain the Premises and specifically to perform snow and ice removal and treatment upon the Premises including but not limited to the its sidewalks, walkways, pathways, parking lots, driveways, communal entrance ways/walkways, exits and/or grounds.

18. Upon information and belief, at all times relevant hereto, Property Owner Defendants, Property Manager Defendants, and/or Contractor Defendants (hereinafter referred to collectively as "Defendants"), individually, jointly, and/or severally, directly and/or by and through their respective agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors, acting within the course and scope of said relationship, hired and/or contracted were responsible for and had a duty to manage and/or maintain the Premises and specifically to perform snow and ice removal and treatment upon the Premises including but not limited to the its sidewalks, walkways, pathways, parking lots, communal entrance ways/walkways, exits and/or grounds of the Premises.

19. At all times relevant, including on February 4, 2021, Plaintiff was a tenant of the aforesaid apartment complex.

20. On or about February 4, 2021, at approximately 8:00 am, Plaintiff was walking with all due care and caution, from his rental unit in the apartment complex to his motor vehicle which was parked in one of the apartment complex's parking lots intended for resident use.

21. At the aforesaid time and location, as Plaintiff walked in the aforesaid parking lot, toward his parked motor vehicle, he suddenly slipped on a layer of black ice and fell forcefully to the ground, suffering severe, permanent and debilitating personal injuries.

22. At all times relevant hereto, Plaintiff was a tenant of the apartment complex, and as such, was a business invitee on the Premises and was owed the highest duty of care by the Defendants.

23. The section of the parking lot upon which Plaintiff slipped had a layer of artificially created black ice that was not visible, discernible, and/or avoidable as business invitees, such as Plaintiff, walked to and from their parked vehicles.

24. The specific area of the parking lot on which Plaintiff slipped and fell was permitted to thaw and refreeze, thereby creating an artificially created slick, untreated and icy surface on the Premises at the time of Plaintiff's fall.

25. At the time of Plaintiff's fall and for a long and excessive time prior thereto, Defendants, individually, jointly, and severally, directly and/or by and through their respective agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors, acting within the scope and authority of their relationships with Defendants negligently and carelessly possessed, managed, modified, controlled and/or maintained the Premises so as to allow a layer of black ice to form and remain on the ground in a common area meant for business invitee use.

26. At the aforesaid time and place, the layer of black ice on the ground was an unreasonably hazardous condition of the Premises, directly caused by Defendants' individual, joint and/or several negligence and carelessness.

27. The hazardous black ice condition in the aforesaid paved area constituted a reasonably foreseeable risk of harm for business invitees such as Plaintiff.

28. Defendants, individually, jointly and/or severally, directly and/or by and through their respective agents, ostensible agents, employees and/or subcontractors had actual and/or

constructive notice of the hazardous black ice condition for a sufficient period of time before Plaintiff's fall, to have taken measures to correct it and/or to properly warn business invitees such as Plaintiff of it.

29. At all times material hereto, the Plaintiff exercised due care and caution for his safety and in no way contributed to his fall or his resulting injuries.

30. Defendants' individual, joint and/or several negligence and carelessness, and the resulting hazardous condition of the Premises were the direct and proximate cause Plaintiff's fall and resulting injuries.

31. As a direct and proximate result of Defendants' individual, joint and/or several negligence and carelessness, the resulting hazardous condition, and Plaintiff's subsequent fall, Plaintiff suffered and/or may continue to suffer physical injuries, severe pain, anxiety, depression, emotional distress, embarrassment, loss of life's pleasures and enjoyment of life.

32. As a direct and proximate result of Defendants' individual, joint and/or several negligence and carelessness, the resulting hazardous condition, Plaintiff's subsequent fall and his injuries, Plaintiff has undergone and/or may in the future undergo reasonable and necessary medical treatments.

33. As a direct and proximate result of Defendants' individual, joint and/or several negligence and carelessness, the resulting hazardous condition, Plaintiff's subsequent fall and his injuries, Plaintiff has incurred and/or may in the future incur medical expenses for the care and treatment of his injuries.

34. As a direct and proximate result of Defendants' individual joint and/or several negligence and carelessness, the resulting hazardous condition, Plaintiff's subsequent fall and his

injuries, Plaintiff has been and/or may in the future be hindered and/or prevented from attending to and/or fully performing his usual and customary duties, avocations and/or hobbies.

35. As direct and proximate result of Defendants' individual joint and/or several negligence and carelessness, the resulting hazardous condition, Plaintiff's subsequent fall and his injuries, Plaintiff has been and/or in the future may be prevented from being gainfully employed, resulting in a loss of earning and/or an impairment of his earning capacity.

36. As a direct and proximate result of Defendants' individual joint and/or several negligence and carelessness, the resulting hazardous condition, Plaintiff's subsequent fall and his injuries, Plaintiff has been and/or may in the future be required to spend money for household help.

COUNT I - NEGLIGENCE
KRISTOPHER AUGUSTINE

v.

KCI MALVERN OWNERCO, LP, f/k/a PR KC MALVERN OWNERCO, LP,
individually and d/b/a AVE MALVERN and AVE LIVING BY KORMAN
and
KCI MALVERN OWNERCO GP, LLC,
individually and d/b/a AVE MALVERN and AVE LIVING BY KORMAN

37. Plaintiff incorporates herein, by reference, the averments in the preceding paragraphs, as well as all subsequent paragraphs as though the same were fully set forth herein.

38. The individual, joint and/or several negligence and carelessness of the Property Owner Defendants, directly and/or by and through their duly authorized agents, ostensible agents, workmen, employees, servants and/or borrowed servants, all in the course and scope of such relationship, included the following:

- a. creating a hazardous condition, about which it knew and/or should have known;
- b. permitting the hazardous condition to exist on the Premises for an excessive period of time;
- c. failing to regularly and/or properly inspect the Premises for such hazardous conditions;

- d. failing to warn Plaintiff of the hazardous condition;
- e. failing to take reasonable measures under the circumstances to protect business invitees such as Plaintiff from a foreseeable risk of injury;
- f. creating and/or permitting a hazardous accumulation of snow and/or ice in an area intended for use by business invitees such as Plaintiff;
- g. failing to properly treat the Premises for snow and/or ice and adequately clear the parking lot area of snow and/or ice;
- h. failing to adequately illuminate an area intended for use by business invitees such as Plaintiff;
- i. permitting water and/or melting snow and/or ice to accumulate and refreeze in an area intended for use by business invitees such as Plaintiff;
- j. violating Property Maintenance Code 302.4.1 Storm Drainage: prohibiting the drainage of roofs, paved areas, yards, courts, and other open areas in a manner that creates a health or safety hazard;
- k. violating Property Maintenance Code 302.5 Site Hazard: proscribing all walkways, stairs, driveways, parking spaces and similar areas be maintained free from hazardous conditions;
- l. violating the Standard Practice for Safe Walking Surfaces 5.1.3: requiring walkway surfaces be slip resistant under expected environmental conditions and use;
- m. violating the Standard Practice for Safe Walking Surfaces 5.7.1: requiring exterior walkways be maintained so as to provide safe walking conditions;
- n. hiring and/or contracting agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors to perform snow and/or ice removal upon the Premises who were not qualified to do so in a safe and adequate manner; and
- o. placing Defendant's pecuniary interests above the safety and wellbeing of business invitees such as Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and individually, jointly, severally, and specifically against Property Owner Defendants, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with such further relief as this Court may deem

appropriate.

**COUNT II - NEGLIGENCE
KRISTOPHER AUGUSTINE**

v.

SHK MANAGEMENT, INC.,
individually and d/b/a KORMAN COMMUNITIES, INC.,
and AVE MALVERN and AVE LIVING BY KORMAN,
and
KORMAN COMMUNITIES GP I, LLC,
individually and d/b/a KORMAN COMMUNITIES, INC.,
and AVE MALVERN and AVE LIVING BY KORMAN

39. Plaintiff incorporates herein, by reference, the averments in the preceding paragraphs, as well as all subsequent paragraphs as though the same were fully set forth herein.

40. The individual, joint and/or several negligence and carelessness of the Property Manager Defendants, directly and/or by and through their duly authorized agents, ostensible agents, workmen, employees, servants and/or borrowed servants, all in the course and scope of such relationship, included the following:

- a. creating a hazardous condition, about which it knew and/or should have known;
- b. permitting the hazardous condition to exist on the Premises for an excessive period of time;
- c. failing to regularly and/or properly inspect the Premises for such hazardous conditions;
- d. failing to warn Plaintiff of the hazardous condition;
- e. failing to take reasonable measures under the circumstances to protect business invitees such as Plaintiff from a foreseeable risk of injury;
- f. creating and/or permitting a hazardous accumulation of snow and/or ice in an area intended for use by business invitees such as Plaintiff;
- g. failing to properly treat the Premises for snow and/or ice and adequately clear the parking lot area of snow and/or ice;
- h. failing to adequately illuminate an area intended for use by business invitees such as Plaintiff;

- i. permitting water and/or melting snow and/or ice to accumulate and refreeze in an area intended for use by business invitees such as Plaintiff;
- j. violating Property Maintenance Code 302.4.1 Storm Drainage: prohibiting the drainage of roofs, paved areas, yards, courts, and other open areas in a manner that creates a health or safety hazard;
- k. violating Property Maintenance Code 302.5 Site Hazard: proscribing all walkways, stairs, driveways, parking spaces and similar areas be maintained free from hazardous conditions;
- l. violating the Standard Practice for Safe Walking Surfaces 5.1.3: requiring walkway surfaces be slip resistant under expected environmental conditions and use;
- m. violating the Standard Practice for Safe Walking Surfaces 5.7.1: requiring exterior walkways be maintained so as to provide safe walking conditions;
- n. hiring and/or contracting agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors to perform snow and/or ice removal upon the Premises who were not qualified to do so in a safe and adequate manner; and
- a. placing Defendant's pecuniary interests above the safety and wellbeing of business invitees such as Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and individually, jointly, severally, and specifically against Property Manager Defendants, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with such further relief as this Court may deem appropriate.

COUNT III - NEGLIGENCE
KRISTOPHER AUGUSTINE

v.

JOHN DOE 1-100 (Fictitious Names)
and ABC CORPORATIONS 1-100 (Fictitious Entities)

41. Plaintiff incorporates herein, by reference, the averments in the preceding paragraphs, as well as all subsequent paragraphs as though the same were fully set forth herein.

42. The individual, joint and/or several negligence and carelessness of the Contractor Defendants, directly and/or by and through their duly authorized agents, ostensible agents, workmen, employees, servants and/or borrowed servants, all in the course and scope of such relationship, included the following:

- a. creating a hazardous condition, about which it knew and/or should have known;
- b. permitting the hazardous condition to exist on the Premises for an excessive period of time;
- c. failing to regularly and/or properly inspect the Premises for such hazardous conditions;
- d. failing to warn Plaintiff of the hazardous condition;
- e. failing to take reasonable measures under the circumstances to protect business invitees such as Plaintiff from a foreseeable risk of injury;
- f. creating and/or permitting a hazardous accumulation of snow and/or ice in an area intended for use by business invitees such as Plaintiff;
- g. failing to properly treat the Premises for snow and/or ice and adequately clear the parking lot area of snow and/or ice;
- h. failing to adequately illuminate an area intended for use by business invitees such as Plaintiff;
- i. permitting water and/or melting snow and/or ice to accumulate and refreeze in an area intended for use by business invitees such as Plaintiff;
- j. violating Property Maintenance Code 302.4.1 Storm Drainage: prohibiting the drainage of roofs, paved areas, yards, courts, and other open areas in a manner that creates a health or safety hazard;
- k. violating Property Maintenance Code 302.5 Site Hazard: proscribing all walkways, stairs, driveways, parking spaces and similar areas be maintained free from hazardous conditions;
- l. violating the Standard Practice for Safe Walking Surfaces 5.1.3: requiring walkway surfaces be slip resistant under expected environmental conditions and use;
- m. violating the Standard Practice for Safe Walking Surfaces 5.7.1: requiring exterior walkways be maintained so as to provide safe walking conditions;

- n. hiring and/or contracting agents, ostensible agents, servants, borrowed servants, workmen, employees and/or subcontractors to perform snow and/or ice removal upon the Premises who were not qualified to do so in a safe and adequate manner; and
- a. placing Defendant's pecuniary interests above the safety and wellbeing of business invitees such as Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and individually, jointly, severally, and specifically against Contractor Defendants, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) together with such further relief as this Court may deem appropriate.

OSTROFF LAW, PC

J. M. Borelli

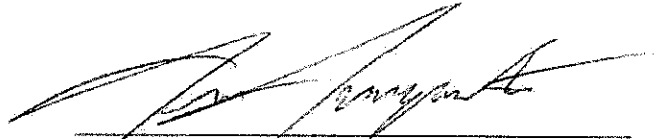
Date: 9/29/2022

By: _____
John M. Borelli, Esquire
Attorneys for Plaintiff

Verification

The undersigned, plaintiff in this action, verifies that the within pleading is based upon information furnished to counsel, which has been gathered by counsel in the preparation of this lawsuit. The language of the attached pleading is that of counsel and not of signor. Signor verifies that the within pleading, as prepared by counsel, is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the within pleading are that of counsel, signor has relied upon counsel in taking this verification.

This verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.



Kristopher Augustine, Plaintiff

CERTIFICATE OF SERVICE

I, STEPHEN J. GONTKOSKY, hereby certify that the foregoing Notice of Removal on behalf of Defendants KCI Malvern Ownerco, LP f/k/a PR KC Malvern Ownerco, LP, Individually and d/b/a Ave Malvern and Ave Living by Korman; KCI Malvern Ownerco, GP LLC, Individually and d/b/a Ave Malvern and Ave Living by Korman; SHK Management, Inc., Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman; Korman Communities GP I, LLC, Individually and d/b/a Korman Communities, Inc. and Ave Malvern and Ave Living by Korman was filed electronically with the United States District Court for the E.D. of PA **and served** electronically upon the following counsel:

John M. Borelli, Esquire
Ostroff Law, PC
518 E. Township Line Road – Suite 100
Blue Bell, PA 19422

WILLIAM J. FERREN & ASSOCIATES
BY: /s/ Stephen J. Gontkosky
STEPHEN J. GONTKOSKY

DATED: October 26, 2022